



W.P.No.21632 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :31.07.2024

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.21632 of 2024

N.Ayyathurai

... Petitioner

Vs.

1.The District Registrar,
Tiruppur District,
Tiruppur.

2.The Sub Registrar,
Uthukulli, Tiruppur District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Refusal Check Slip in Refusal No.RFL/Uthukuli/2/2024 dated 09.02.2024 refusing to register the Court Decree dated 09.12.2023 issued by the 2nd respondent and quash the same and consequently direct the respondents to register the Court Decree dated 09.12.2023 in Lok Adalath Case No.1994/2023 in O.S.No.676/2023 on the file of Tiruppur District Legal Service Authority presented by the petitioner.



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For Petitioner : Mr.V.P.Sengottuvel, SC for
Mr.K.R.Nishanth

For Respondents : Mr.M.Shajahan, Spl.G.P for R1 & R2

ORDER

This Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned Refusal Check Slip in Refusal No.RFL/Uthukuli/2/2024 dated 09.02.2024 refusing to register the Court Decree dated 09.12.2023 issued by the 2nd respondent and quash the same and consequently direct the respondents to register the Court Decree dated 09.12.2023 in Lok Adalath Case No.1994/2023 in O.S.No.676/2023 on the file of Tiruppur District Legal Service Authority presented by the petitioner.

2. Heard both sides. With the consent of both sides, this Writ Petition is disposed of at the admission stage itself.

3. The petitioner has presented a compromise decree in Lok Adalath Case No.1994 of 2023 and the same was refused to be registered



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by the second respondent on the ground that earlier, a decree in O.S.No.284 of 2023 was already registered in respect of same survey number.

4. Merely because some decree had already been registered, that will not prevent the registration of further decree obtained by the parties. The very purpose of registration is to inform the parties about the nature of the transaction in respect of the subject property. It is for the parties to act on the basis of the information available in the encumbrance certificate. The title based on the so-called decree is always subject to the priority right in the Civil Court. Therefore, in such view of the matter, the decree which has already been registered, cannot be a ground to refuse to register the subsequent decree.

5. In view of the above observations, this Writ Petition is allowed and the impugned Refusal Check Slip in Refusal No.RFL/Uthukuli/2/2024 dated 09.02.2024 is set aside. The respondents are directed to register the Court Decree dated 09.12.2023 in Lok Adalath



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Case No.1994/2023 in O.S.No.676/2023 on the file of Tiruppur District

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N.SATHISH KUMAR, J.

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Legal Service Authority presented by the petitioner, within a period of one week from the date of receipt of a copy of this order. No costs.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

31.07.2024

To

- 1.The District Registrar,
Tiruppur District,
Tiruppur.
- 2.The Sub Registrar,
Uthukulli, Tiruppur District.

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